

LOCKPORT PLANNING AND ZONING BOARD
LOCKPORT, NEW YORK
JULY 12, 2021

PRESENT: TERRY HARMON, CHAIRMAN, MARSHALL ROTH, DON GILL, ROBERT BRAGG, STACY STOLL, JEFF TRACY, ROBERT BRAGG, JASON DOOL, CHIEF BUILDING INSPECTOR, PAT MCGRATH, DEPUTY CORPORATION COUNSEL.

The meeting of the Lockport Planning Board was called to order at 5:00 P.M. at the Lockport Municipal Building, One Locks Plaza, Lockport, New York.

1. Sheila Tomlinson. 283 No. Transit St. Request for a home occupation to operate a candy shop situated in an R-2 Zone.

Ms. Tomlinson stated that she would like to operate a candy store. She said that the kids have no where to go and have to travel to the store. She said that they have to cross Walnut Street and Main Street to get to a store. She said that she works for the Lockport School District and the kids at the schools tell her they need a store. She said that there are no more mom and pop stores around. She said that when she grew up, there was a candy store in Outwater Park.

Ms. Tomlinson said that she sells candy on her porch for a couple hours a day during the week and longer on the weekends. She said that there is nowhere for the kids in the neighborhood to go. She said that she has adults stopping at her shop as well. She said that she feels that this is bringing the north end back, people are engaging with each other again.

Commissioner Roth asked what the hours of operation are.

Ms. Tomlinson said that she works during the day, the store is open for a few hours after school. She said that she is open a lot more in the summertime.

Commissioner Harmon asked if she sells any homemade goods.

Ms. Tomlinson said no, it is all prepackaged.

Commissioner Roth asked about the drinks she sells.

Ms. Tomlinson said that she sells fruit pouches and cans of pop.

Commissioner Tracy said that on her Facebook page, she advertised selling nachos.

Ms. Tomlinson said that was for a fundraiser.

Commissioner Tracy asked if the nachos were made at her house.

Ms. Tomlinson said that they were prepared at the Church.

Commissioner Harmon asked if she needed a license for her business.

Ms. Tomlinson said that she has always had a peddler's permit because she takes her business on the road.

Commissioner Harmon asked if she pays taxes on her profits.

Ms. Tomlinson said no, but she will probably have to soon.

Commissioner Tracy asked if she had the proper insurance.

Ms. Tomlinson said that she has homeowner's insurance.

Commissioner Tracy said that might not cover a business, what happens if someone falls down on the porch.

Ms. Tomlinson said that her porch is new.

Commissioner Bragg asked if she has heard anything from the neighbors.

Ms. Tomlinson gave the Board a petition in support from the neighborhood.

The meeting was opened to the public.

Mr. Chris Higbie, Tonawanda, New York said that he thinks it is a great idea.

Another neighbor stated that she lives across the street and she has two children. She said that she has met more neighbors because this store is there. She said that it is somewhere affordable in the north end and people don't have to go all the way to the store. She said that she is in support of the store. She said that Sheila does a lot of fundraisers and works with the church.

Ms. Darlene Sole, 266 No. Transit Street, stated that she lives across the street and this is a nice idea. She said that it is good to see the neighborhood come together.

Ms. Alma Lafferty, 204 Waterman Street, stated that it is great to see another small business.

Commissioner Harmon read aloud a letter from Alderman Devine in favor of the request.

Commissioner Harmon read aloud a letter from Mollie McDonough, 268 No. Transit in favor of the request.

The meeting was closed to the public.

Commissioner Tracy said that she has a lot of support. He said that they should establish some set hours of operation.

Commissioner Harmon asked if Ms. Tomlinson has a problem with the Board setting hours.

Ms. Tomlinson said that she is not open late. She said that she opens mid-day when she is working and is closed by dusk.

Commissioner Tracy said that they are looking to make sure the store isn't open until 11pm.

Commissioner Harmon asked if 9 pm. is ok.

Commissioner Roth said that when he grew up there were mom and pop stores every three or four blocks. He said that Ms. Tomlinson has a lot of support, however he has concerns. He said that he is afraid this is going to set a precedent and that is a concern.

Commissioner Tracy explained that the Board is concerned with opening the door for other people down the road.

Commissioner Roth said that he is concerned that people will look to do the same thing but on a larger scale.

There being nothing further Commissioner Tracy made a motion to approved the request for a home occupation to operate a candy store on the front porch with the following stipulations:

1. THE STORE TO OPERATE FROM APRIL 1ST TO OCTOBER 31ST ONLY.
2. THE STORE OPERATE UNTIL 9 P.M.
3. ALL GOODS SOLD MUST BE PREPACKAGED, NO HANDMADE GOODS.

Seconded by Commissioner Stoll.

Commissioner Tracy-yes
Commissioner Roth-no
Commissioner Harmon- yes
Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Stoll-yes

HOME OCCUPATION APPROVED

2. Duane Snyder. 500 Davison Road. Request for site plan approval to erect a 260 s.f. addition and an additional parking lot on the south side of the property situated in an R-1 Zone.

Mr. Snyder state that he purchased the property in 2003, it is a 3,300 s.f. building built by Dr. Mazur. He said that there is parking on the north side of the building right now that has about 20 spots. He said that his business is busy and the parking lot fills up. He said that he needs the parking lot extension to be able to grow his business. He said that he wants to add another staff member but can't right now. He said the only place he can expand his parking lot is on the south side of the property. He said there is a curb cut there already. He said hat he has the site plan, there will be 6 spots in the concrete parking lot and a small addition. He said that he is putting the addition up as an entrance because if he didn't, he would have to install a sidewalk that went all around the building, and that could cause issues. He said that the entrance will be for staff to be able to come in and drop their stuff. He said that it will also be for storage.

Mr. Snyder said that they are going to install holly bushes and two pear trees so that it looks less like a parking lot. He said that the church is across the street from them, they came to the ZBA hearing and were in support of the project. He said that the church uses their parking lot on Sundays. He said also across the street is the parking lot for the apartment buildings.

Commissioner Harmon asked if the parking lot will be lit.

Mr. Snyder said that there is an LED light on the north side now, the south side will mirror it. He said that the light is on a smart timer and shuts off at 12. He said that there is currently strip lighting under the eve on the south side of the building, the addition will just be an extension. He said that he will install a wall sconce lamp by the door.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Stoll made a motion to approve the site plan to erect a 260 s.f. addition and an additional parking lot on the south side of the property. Seconded by Commissioner Roth.

Commissioner Tracy-yes
Commissioner Roth-yes
Commissioner Harmon- yes
Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Stoll-yes

APPROVED

3. Audley Walters. 266 So. Transit Street. Request to allow a food truck business to operate in the parking lot situated in a B-3 Zone.

Mr. Walters stated that he owns a food truck that serves Jamaican food. He said that he has been doing good. He said that he got a letter from the Building Inspection Department that he needed to come before the Board.

Commissioner Roth asked what the hours of operation are.

Mr. Walters said that he is open from 11 am to 7:30 or 8 pm.

Commissioner Harmon asked where on the property he parks. He asked if it is on the north side of the Metro PCS building with the truck parked north to south.

Mr. Walters said that he is on the Willow Street side with the truck facing So. Transit.

Jason Dool said that the food service area faces Transit.

Commissioner Tracy asked how many days the truck is parked there.

Mr. Walters said four.

Commissioner Tracy asked if it always the same days.

Mr. Walters said that he is there Monday, Wednesday, Friday and Saturday.

Commissioner Harmon asked what hours.

Mr. Walters said that he is there from 11 am. to 7:30 or 8 pm.

Commissioner Harmon asked if he uses a generator.

Mr. Walters said yes, not all day. He said that he has refrigerators.

Commissioner Harmon asked where the generator is.

Mr. Walters said that it is on the truck.

Commissioner Harmon asked if there is water on the truck.

Mr. Walters said yes.

Commissioner Harmon asked if that is his portable john.

Mr. Walters said yes.

Commissioner Gill asked if he operates year-round.

Mr. Walters said that he is seasonal, he stops on October or November.

Commissioner Harmon asked if he opens in the spring.

Mr. Walters said yes, he might start earlier next year.

Commissioner Harmon asked if he was ok with them stipulating the operation from April 1st to October 31st.

Mr. Walters said yes.

Commissioner Stoll asked if he does events.

Mr. Walters said no.

Commissioner Stoll asked if he traveled at all.

Mr. Walters said no, just parties.

The meeting was opened to the public.

The meeting was closed to the public.

Commissioner Tracy asked if he has his certifications from the Health Department.

Mr. Walters said yes.

There being nothing further Commissioner Tracy made a motion to approve the request to operate a food truck business in the building lot with the following stipulations:

1. The business operates from April 1st to October 31st.
2. The hours of operation be 11 am to 8 pm.

Seconded by Commissioner Stoll.

Commissioner Tracy-yes
Commissioner Roth-yes
Commissioner Harmon- yes
Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Stoll-yes

APPROVED

4. Ecogreen Development, LLC. 503/ 415 Elmwood Avenue. Request for conceptual approval for a planned unit development situated in an R-3 Zone.

Ms. Alma Lafferty, Principal Planning for Ecogreen Development was present. She stated that they are planning to build affordable housing for people that make \$50,000 or less. She said that they researched what the area needs and they found that the City has very few three- and four-bedroom units. She said that everyone needs the extra room. She said that they plan on using local contractors to build this project. She said that these will be super-efficient and insulated homes. She said that they also plan on building a community center. She said that she has heard stories about the need for a community center since the YMCA moved into the Town. She said they will also have park space where people can have music. She said that this is an opportunity for Lockport to turn a corner in development.

Ms. Lafferty explains that their company knows how to control traffic flow. She said that they will be installing sidewalks and lights.

Mr. Andrew Terragnoli, Studio T3 Engineering presented a layout of the project. He stated that this is a mixed-use village at 503 Park Lane Circle and 415 Elmwood Ave that sits on approximately 20.5 acres.

Mr. Terragnoli stated that there will be two apartment buildings with a total of 24 units and 21 new townhouses totaling 75 units. He said they are proposing a retail store which they don't have a tenant for yet and also a community center. He said that some of the townhouses will have small boutique stores on the first floor. He said that there will be entrances on both Tudor Lane and Park Lane Circle.

Mr. Terragnoli said that the project will be built in phases, they would like to build the two apartment buildings first. He said that the second phase will include the townhouses to the east and the third phase will include the townhouses to the west and the retail space.

Mr. Terragnoli said that there will be a 3.5-acre section for green infrastructure with a retention system. He said that there are public utilities available for water and sewer also. He said that the Army Corp of Engineers determined that there is no wetland on these parcels. He said that what they are proposing is a Planning Unit Development.

Mr. James Randall stated that there will be apartments and condos. He said that there will be about 23,00 s.f. of apartment space. He said that the buildings will be four stories and will be ADA compliant. He said that each building will have six two-bedroom apartments and six three-bedroom apartments with the first floors being community space. He said that they can change the layout depending on the need. He said that the buildings will be stackable so it can be changed.

Mr. Randall said that this is a carbon neutral project. He said that the buildings will be built energy efficient, including super insulated walls, doors and windows as well as ecofriendly systems and appliances.

Mr. Randall said that they are going to install swales that direct water into ponds so that they can reuse the rain water.

Mr. Randall said that the preliminary design for the buildings will have the first floor the garage area and the second floor living space.

Ms. Lafferty said that there are not enough apartments in Lockport, these will be affordable for people.

Jason Dool asked if Ms. Lafferty is going to retain ownership of everything on the property or if they are going to sell the units off.

Mr. Dan Seaman, 744 Davison Rd, stated that this is a Planned Unit Development with mixed uses. He said that they will maintain ownership of all of the common areas and a homeowner's association could be created.

Mr. Seaman said that the first phase, the apartment buildings are a permitted use for the zoning.

Mr. Seaman said that they need the conceptual approval for the PUD all at one time in order to obtain funding approvals. He said that there are a few PUD in the Town, a mixture of residential, commercial and industrial uses.

Mr. Seaman said that the association will own all of the common areas and the units will be sold off.

Ms. McGrath asked if both the commercial and residential buildings will have a common owner.

Ms. Lafferty said that the land will have a common owner but the units will be sold.

Megan Brewer explained that the City's Zoning Ordinance definition of a Planned Unit Development will require one owner for the entire property.

Ms. McGrath said that they need to figure out if they are going to be selling these units, a variance may be required.

Ms. Lafferty said that she is willing to do anything.

Commissioner Harmon said that what he is hearing is that they might do this and might do that. He said that they don't have a definitive plan on what they want to build. He said that there are a lot of questions that need to be answered. He said that the biggest question is there going to be a sole owner of the property or not.

Mr. Seaman said that the apartments will not be sold just the town houses and there will be an association. He said that the City's ordinance is not in line with the concept of a PUD. He said that the point of it is to have mixed uses.

Mr. Seaman said that they would like to do this in phases, apartments in phase 1, common areas and townhouses in phase 2 and ponds and retail in the 3rd.

Commissioner Harmon asked what the time frame is to complete the project.

Commissioner Tracy asked what examples of a PUD are in the Town.

Mr. Seaman said that there is the Ulrich Development PUD at the end of Davison Road. It is a mix of condos, industrial and residential.

Ms. McGrath asked if this is a not for profit.

Mr. Seaman said no.

Commissioner Harmon asked again what the time frame for all of the phases are.

Ms. Lafferty said that they would like to start with the two apartment buildings first but doesn't know how long it will take for the others. She said that they did a phase 1 environmental already.

Commissioner Harmon asked when they would start phase 2 with the townhouses, would everything be up by the summer of 2022.

Ms. Lafferty said that phase 1 are prefabricated buildings.

Commissioner Harmon asked what stackable meant regarding the building's construction.

Mr. Randall said that it means all of the plumbing lines up, to make it easier to change the layout if they want.

Commissioner Tracy asked if there are similar PUD in the area.

Ms. Lafferty said on Transit.

Commissioner Harmon asked how the development on Davison Road went in, was is zoned correctly and was it approved all at once.

Mr. Seaman said that they applied for a PUD and the developer changed his mind several times, so they had to go back through the process multiple times. Every change had to go back to the Board.

Ms. Lafferty said that another example of what this will be like is Boxwood in Amherst.

Commissioner Tracy said that the Board has taken training classes on PUD.

Ms. Lafferty said that this will be somewhere that people have everything they need in one place, including a park.

Commissioner Harmon said that they are not questioning the concept, they need to straighten the ownership issue out before they go any farther. He said that there are legal questions that they need to get resolved but the concept is great.

Mr. Seaman said that the City's definition doesn't fit with the concept, they need to change it.

Mayor Roman explained that they have the option to apply for a variance.

Megan Brewer explained that there are legal questions that the Board needs to have answered before they move forward.

Mr. Seaman said that the Boulevard and Eastern Hills malls are other examples of PUD.

Commissioner Tracy said that they might want to look at putting in sidewalks along the outside of the property.

Mr. Terragnoli said that they have 9' wide sidewalks on the plans.

Commissioner Harmon said that the Board is going to get some legal questions answered by Corporation Counsel. He requested that they come back when they have a clearer picture of exactly what they are going to build.

Commissioner Stoll made a motion to approve the minutes from the June 7, 2021 meeting. Seconded by Commissioner Roth. Ayes-6 Noes-0

Commissioner Roth made a motion to adjourn the meeting. Seconded by Commissioner Bragg. Ayes- 6 Noes-0

**THE NEXT REGULARLY SCHEDULED MEETING WILL BE AUGUST 2, 2021.
IF YOU CANNOT ATTEND PLEASE CONTACT MEGAN AT 439-6754 OR
mbrewer@lockportny.gov.**